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Patitioner's Docket

U 014740-4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yen-Lin CHEN, et al

Serial No.: 10/629,198

Group No.: 1651

Filed: July 29, 2003

Examiner: Vera Afremova

For: MONASCUS PURPUREUS MUTANTS AND THEIR USE IN PREPARING
FERMENTATION PRODUCTS HAVING BLOOD PRESSURE LOWERING
ACTIVITY

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

WARNING: Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment - See § 1.704(c)(7).

1. Transmitted herewith is an amendment for this application.

STATUS

2. The application is qualified as
☒ a small entity.
☐ other than a small entity.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. 1.8(a)

- ☒ with sufficient postage as first class mail.

37 C.F.R. 1.10*

- ☐ as "Express Mail Post Office to Addressee"
Mailing Label No. (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office, to (571)-273-8300

Date: October 12, 2005

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

10/17/2005 HVUONG1 00000020 10629198

01 FC:2252

225.00 OP

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: 37 C.F.R. § 1.704(b)". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$ 2,160.00	\$ 1,080.00

Fee: \$ 225

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this is a conditional petition being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)			(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment			Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	<i>O</i> <i>R</i>	Rate	Addit. Fee
Total	*	Minus	**	=	x \$ 25	\$			x \$ 50=	\$
Indep.	*	Minus	***	=	x \$ 100	\$			x \$ 200	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claims						+ \$180=	\$		+ \$360=	\$
Total Addit. Fee						\$ ____	<i>O</i> <i>R</i>	Total Addit. Fee	\$ ____	

* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 225
- ☐ Charge Account No. 12-0425 the sum of \$ _____
- A duplicate of this transmittal is attached.

FEE DEFICIENCY OR OVERPAYMENT

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

- ☒ Refund any overpayment to Account No. 12-0425.

Reg. No. 30086

Tel. No. 212-708-1890



SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS
(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP
26 West 61 Street
New York, N.Y. 10023

Customer No.:



00140

PATENT TRADEMARK OFFICE



Practitioner's Docket No. U 014740-4

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STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

WARNING: *Submission of a letter related to a biological deposit after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.*

I, CLIFFORD J. MASS

Name of Applicant or Assignee or Assignee's representative

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☒ with sufficient postage as first class mail.

- ☐ as "Express Mail Post Office to Address"
Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office to **(571)-273-8300**.

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

Date: October 12, 2005

***WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

1. That the following culture(s) referred to in the specification of this application have been deposited:

2. That the date of the above deposit is:

☒ before the U.S. filing date of this application.
☐ after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

MANASSAS, VA 20110-2209 USA

WARNING: *If the applicant himself or a competent third party makes the statement that the microorganism is viable and is capable of reproduction, if appropriate, then the tests must have been performed on a sample certified to have been (1) received by the depository with the same samples actually deposited and (2) promptly returned to applicant.*

5. That, with respect to the permanence of the culture(s) deposit:

(complete a, b, or c)

- a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
- b. ☐ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c. ☐ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I state that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I state that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

[] Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

October 12, 2005

Date _____

CLIFFORD J. MASS

(type or print name of person signing)

Signature

P.O. Address of Signatory

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890

- ☐ Inventor
☐ Assignee of complete interest
☒ Person authorized to sign on behalf of assignee

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee: _____

Assignment recorded in PTO on _____

Reel _____ Frame _____

A "STATEMENT UNDER 37 C.F.R. 3.73(b)" is attached.